IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 2719 of 2001(W)

PETITIONER:

BINDU.G.NAIR, W/O.V.RAJESH,
H.S.A. (SOCIAL STUDIES),
HIGH SCHOOL, THIRUVAMBADY, ALAPPUZHA DIST.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.E.S.ASHRAF
SRI.KALYANA SUNDARAM IYER

RESPONDENTS:

1. SECRETARY TO GOVT., GENERAL EDUCATION DEPT., SECRETARIAT, TRIVANDRUM.

2. D.P.I., TRIVANDRUM.

3. D.E.O., ALAPPUZHA.

4. THE MANAGER, HIGH SCHOOL, THIRUVAMBADY, ALAPPUZHA DIST.

5. THE HEADMISTRESS, HIGH SCHOOL, THIRUVAMBADY, ALAPPUZHA DIST.

6. R.ANITHA, H.S.A.(MATHS), HIGH SCHOOL, THIRUVAMBADY, ALAPPUZHA.

BY ADV. SRI.K.BALAKRISHNAN
SMT.I.SHEELA DEVI
SMT.N.SUDHA DEVI
GOVERNMENT PLEADER SHRI.T.T.MAHAMOOD.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.2719/01.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE APPOINTMENT ORDER.

P2. COPY OF THE APPOINTMENT ORDER DTD.1.6.98.

P3. COPY OF THE ORDER DTD.22.6.00 OF R2.

P4. COPY OF THE REVISION PETITION BEFORE R1 DTD.1.7.00.

P5. COPY OF THE GOVT. ORDER DTD.9.1.01 BY R1.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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O.P.No.2719 of 2001

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Dated this the 6th day of September, 2007

J U D G M E N T

The petitioner was working as a High School Assistant (Social Studies) in an aided school. Her service was approved also. While so, for the year 1999-2000 there was a division fall consequent to which, one post was reduced. Resultantly, one teacher had to be retrenched. There was a dispute between the petitioner and the 6th respondent as to who is the person to be so retrenched. Originally the D.E.O. had approved the petitioner's continuance. However, on a petition filed by the 6th respondent, by Ext.P3 order, the DPI found that the petitioner is liable to be retrenched and the 6th respondent is the one to be preferred for the one post available. Pursuant to the order from this court, revision petition filed by the petitioner before the Government was considered and rejected by Ext.P5 upholding Ext.P3. Exts.P3 and P5 orders are under challenge in this original petition.

2. According to the petitioner, the petitioner is entitled to continue in preference to the 6th respondent. It is not disputed before me that the posts available were Physical Science 4, Natural science 3, Mathematics 6 and Social Studies 6, out of which, there were 3 Physical Science teachers, 3 Natural Science teachers, 7 Mathematics teachers and 7 Social Studies teachers. Therefore, there was one teacher each in excess in Mathematics and Social Studies. One of them could be accommodated in a vacant Physical Science post. Authorities found that the 6th respondent being the senior between the two, should be preferred to the petitioner. I do not find anything wrong in the reasoning adopted in Exts.P3 and P5. Therefore, I do not find any merit in this original petition and accordingly the same is dismissed.

sdk+ S.SIRI JAGAN, JUDGE